

House Bill 879

By: Representatives Ramsey of the 72<sup>nd</sup>, Cooper of the 41<sup>st</sup>, Watson of the 163<sup>rd</sup>, Coleman of the 97<sup>th</sup>, Sheldon of the 105<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to student health in elementary and secondary education, so as to provide  
3 for the care of students with diabetes in school; to provide for legislative findings; to provide  
4 for definitions; to provide for the training of designated school personnel; to provide for the  
5 submission of a diabetes medical management plan by parents or guardians for a student; to  
6 delineate the functions that may be performed by school nurses or trained diabetes personnel;  
7 to authorize a student to perform independent monitoring and treatment; to provide for  
8 immunity from civil liability; to provide for related matters; to repeal conflicting laws; and  
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 The General Assembly finds that:

13 (1) Diabetes is a serious, chronic disease that impairs the body's ability to use food.  
14 Diabetes must be managed 24 hours a day in order to avoid the potentially life-threatening  
15 consequences of blood glucose levels that are either too high (hyperglycemia) or too low  
16 (hypoglycemia), and to avoid or delay the serious long-term complications of high blood  
17 glucose levels which include blindness, amputation, heart disease, and kidney failure.

18 (2) In order to manage their disease, students with diabetes must have access to the means  
19 to balance food, medications, and physical activity levels while at school and at school  
20 related activities;

21 (3) Diabetes is generally a self-managed disease, and many students with diabetes are able  
22 to perform most of their own diabetes care tasks. Such students should be permitted to do  
23 so in the school setting. However, some students, because of age, inexperience, or other  
24 factors, need help with some or all of diabetes care tasks, and all students will need help  
25 in the event of a diabetes emergency;

26 (4) The school nurse is the preferred person in the school setting to provide or facilitate  
 27 care for a student with diabetes. Many schools in Georgia, however, do not have a  
 28 full-time nurse, or a school nurse may not always be available on site. Thus, even when  
 29 a nurse is assigned to a school full time, he or she will not always be available to provide  
 30 direct care during the school day;

31 (5) Diabetes management is needed at all times. Additional school personnel, who have  
 32 completed training coordinated by the school nurse or other health care professional and  
 33 who provide care under the supervision of the school nurse or other health care  
 34 professional, need to be prepared to perform diabetes care tasks at school when a school  
 35 nurse or other health care professional is not available. Preparations are needed to ensure  
 36 that students with diabetes will be medically safe and have the same access to educational  
 37 opportunities as all students in Georgia; and

38 (6) Due to the significant number of students with diabetes, the effect of diabetes upon a  
 39 student's ability to learn, and the risk for serious long-term and short-term medical  
 40 complications, legislation in this state is necessary to address this issue.

41 **SECTION 2.**

42 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
 43 relating to student health in elementary and secondary education, is amended by adding a  
 44 new Code section to read as follows:

45 "20-2-779.

46 (a) As used in this Code section, the term:

47 (1) 'Diabetes medical management plan' means a document developed by the student's  
 48 physician or other health care provider that sets out the health services needed by the  
 49 student at school and is signed by the student's parent or guardian.

50 (2) 'School' means any primary or secondary public or private school located within this  
 51 state.

52 (3) 'School employee' means any person employed by a local board of education or  
 53 private school or any person employed by a local health department who is assigned to  
 54 a public or private school.

55 (4) 'Trained diabetes personnel' means a school employee who volunteers to be trained  
 56 in accordance with this Code section. Such employee shall not be required to be a health  
 57 care professional.

58 (b)(1) No later than July 1, 2012, the Department of Education and the Department of  
 59 Public Health, in conjunction with the Georgia Board of Nursing and the Georgia  
 60 Composite Medical Board, shall develop guidelines for the training of school employees

61 in the care needed for students with diabetes. The training guidelines shall include  
62 instruction in:

63 (A) Recognition and treatment of hypoglycemia and hyperglycemia;

64 (B) Understanding the appropriate actions to take when blood glucose levels are  
65 outside of the target ranges indicated by a student's diabetes medical management plan;

66 (C) Understanding physician instructions concerning diabetes medication dosage,  
67 frequency, and the manner of administration;

68 (D) Performance of finger-stick blood glucose checking, ketone checking, and  
69 recording the results;

70 (E) Administration of insulin and glucagon, an injectable used to raise blood glucose  
71 levels immediately for severe hypoglycemia, and the recording of results;

72 (F) Performance of basic insulin pump functions;

73 (G) Recognizing complications that require emergency assistance; and

74 (H) Recommended schedules and food intake for meals and snacks, the effect of  
75 physical activity upon blood glucose levels, and actions to be implemented in the case  
76 of schedule disruption.

77 (2) Each local board of education and the governing body of each private school shall  
78 ensure that the training outlined in paragraph (1) of this subsection is provided to a  
79 minimum of two school employees at each school attended by a student with diabetes.

80 (3) A school employee shall not be subject to any penalty or disciplinary action for  
81 refusing to serve as trained diabetes personnel.

82 (4) The training outlined in paragraph (1) of this subsection shall be coordinated and  
83 provided by a school nurse or another health care professional with expertise in diabetes.

84 Such training shall take place prior to the commencement of each school year, or as  
85 needed when a student with diabetes is newly enrolled at a school or a student is newly  
86 diagnosed with diabetes. The school nurse or other health care professional shall provide  
87 follow-up training and supervision.

88 (5) Each local school system and private school shall provide training in the recognition  
89 of hypoglycemia and hyperglycemia and actions to take in response to emergency  
90 situations to all bus drivers responsible for the transportation of a student with diabetes.

91 (c) The parent or guardian of each student with diabetes who seeks diabetes care while at  
92 school shall submit to the school a diabetes medical management plan which upon receipt  
93 shall be reviewed and implemented by the school.

94 (d)(1) In accordance with the request of a parent or guardian of a student with diabetes  
95 and the student's diabetes medical management plan, the school nurse or, in the absence  
96 of the school nurse, trained diabetes personnel shall perform functions including, but not  
97 limited to, responding to blood glucose levels that are outside of the student's target

98 range; administering glucagon; administering insulin, or assisting a student in  
99 administering insulin through the insulin delivery system the student uses; providing oral  
100 diabetes medications; checking and recording blood glucose levels and ketone levels, or  
101 assisting a student with such checking and recording; and following instructions  
102 regarding meals, snacks, and physical activity.

103 (2) The school nurse or at least one trained diabetes personnel shall be on site at each  
104 school and available during regular school hours to provide care to each student with  
105 diabetes as identified pursuant to subsection (c) of this Code section.

106 (3) There shall be trained diabetes personnel at each school where a student with diabetes  
107 is enrolled, and a student's school choice shall in no way be restricted because the student  
108 has diabetes.

109 (4) The activities set forth in paragraph (1) of this subsection shall not constitute the  
110 practice of nursing and shall be exempted from all applicable statutory and regulatory  
111 provisions that restrict what activities can be delegated to or performed by a person who  
112 is not a licensed health care professional.

113 (e) Upon written request of a student's parent or guardian and if authorized by the student's  
114 diabetes medical management plan, a student with diabetes shall be permitted to perform  
115 blood glucose checks, administer insulin through the insulin delivery system the student  
116 uses, treat hypoglycemia and hyperglycemia, and otherwise attend to the monitoring and  
117 treatment of his or her diabetes in the classroom, in any area of the school or school  
118 grounds, and at any school related activity, and he or she shall be permitted to possess on  
119 his or her person at all times all necessary supplies and equipment to perform such  
120 monitoring and treatment functions.

121 (f) No physician, nurse, school employee, or local school system shall be liable for civil  
122 damages or subject to disciplinary action under professional licensing regulations or school  
123 disciplinary policies as a result of the activities authorized by this Code section when such  
124 acts are committed as an ordinarily reasonably prudent person would have acted under the  
125 same or similar circumstances."

126 **SECTION 3.**

127 All laws and parts of laws in conflict with this Act are repealed.